

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3225 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ARUN CO.OP.HOU.SOCIETY LTD.

Versus

DISTRICT REGISTRAR OF CO.OP. SOCIETIES

Appearance:

MR SUDHIR MEHTA for MR AK CLERK for Petitioners
MR HH PATEL, AGP for Respondent No. 1
MR MIHIR H JOSHI for Respondent No. 2/1 to 2/3
MR SN SOPARKAR for Resondent No.2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 18/08/2000

ORAL JUDGEMENT

The petitioners have challenged the show cause notice issued by the District Registrar on 24-4-1991 as per the Annexure "A" to the petition under the provisions of Section 81 of the Gujarat Cooperative Societies Act, 1961 for supersession of the Managing Committee of the Society.

The grievance of the petitioners is that the action which is proposed to be taken in respect of plot

no.3 of the Society on the ground that the said plot was given to Arun Jain Sangh, is being raised after a period of nearly 48 years. The learned Counsel for the petitioners submitted that this fact was pointed out even before the issuance of the notice, to the District Registrar. It is also submitted that the temple has already been standing since nearly 50 years on the said plot.

When this petition was admitted on 2nd May, 1991, ad-interim relief was granted with an observation that, prima facie, it seemed that the District Registrar had misused his power under Section 81 of the Gujarat Cooperative Societies Act. By the impugned show cause notice, the petitioners were called upon to show cause and were offered a personal hearing on 8th May, 1991. Since, by virtue of interim relief granted in the petition on 2-5-1991, the said show cause notice could not operate, there would now remain no question of appearing before the Registrar on the date mentioned in the notice. It is clear that since the date mentioned in the show cause notice was 8-5-1991, there would now survive no question of implementing the notice as on that date, or the question of taking any action on the basis of that notice. The petition has, therefore, become infructuous. Rule is, therefore, discharged with no order as to costs, without prejudice to the rights and contentions of both the sides.

18-8-2000 (R.K. Abichandani, J.)

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